80-6668

RECEIVED
MAY 12 1981
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES
OCTOBE' TERM 1980
No.

LYLE H. ORENZLER,

Plaintiff, Defendant, Appellant,

vs.

CONRAD J. KOEINMAN,
ET AL.,

Defendants/Plaintiff/Appellees.

JURISDICTIONAL
STATEMENT

QUESTIONS PRESENTED

1. WAS AN Order of frivolous pursuant to 28 USC 1915(c) in Order of November 12, 1980; where the appeal had been paid for as by attached documents and receipts; and entitlement to set aside under 50 USC 510-590; as continuously disabled pursuant to service with the United States and Saudi Arabia since April 17, 1979 and prior rulings of October 20, 1980 from which this appeal is taken have ruled on the substance of said 50 USC 510-590 in combination with said rulings under forma pauperis were then denied without ruling on 50 USC 510-590 in Order of USCCA9 of March 9, 1981 in effect avoiding ruling on eligibility for vacation of all judgments since April 1979?
2. Was Appellant entitled under 50 USC 511?
3. Were facts stated that entitle relief under Rule 55(c)? or 60(b)(4,6)
4. Was time reasonable pursuant to Rule 60(b)?
5. Was filing timely pursuant to Rule 59(e)?
6. Does continuous total disability pursuant to service with the United States and Saudi Arabia; maintain the entitlement to representation; allow Appellant to waive rights; and permit entry of any judgment since April 17, 1979; when counsel for Appellant had been apprised and had apprised the Court and for himself of said entitlement under 50 USC510-590?

LIST OF ALL PARTIES

Appellant is a Medical Doctor, who was sued for misrepresenatations said to be materail to sale citrus ranches by a broker to attorney

plaintiff and his wife, who were experienced in citriculture contrary to inexperience of Appellant; in which same representations made in sale to Appellant three years prior and in which the Plaintiff Kleinman brought suit three years later after having paid ranch evaluator at time sale; after he had completed numerous improvements on said property attempting to include these in rescission which Appellant could not afford and only when he thought he might fail to make a profit in a heavy harvest year when prices depressed on citrus. Included and not consolidated in this action are cases involving the same laws and facts pending before the courts; interpleader rights, questions of collusive joinderpursuant to 28 USC 1359 where there would not be jurisdiction in federal courts in Arizona where assignor on Note chose in action to sale to Appellant lived in Pennsylvania and case brought in State Courts. Involved as parties are multiple co-conspirators who have aimed to defeat Appellant by their conspiratorial acts and have so injured him, including broker, care people, atterneys, trust companies and others who have plotted and conspired against the Appellant and and with the broker herein indispensable parties and this action should be dismissed unless all parties brought in as Rule 12.

JURISDICTION

This appeal is filedand these proceedings are instituted under 28 USC 1402(a)(1), 18 USC 1252, 28 USC 2101(c); This appeal timely filed to Order to March 9,1981 by USCCA9, Jurisdiction is also under 15 USC 1-15,77,78; 18 USC 241,241; 42 USC 1983,1985,1986; 28 USC 1343.1397,1335,2361,1332; 50 USC 510-590; 28 USC 1441-1448;

The cases believed to sustain the jurisdiction are;

1. Halle v Cavanaugh 1920, 111 A 76,79;
2. Patrikes v JCH Service Stations 1943 41 NYS2d 158;
3. Holtzman's Furniture Store v Schrapf LaApp1949 39 So2d 450;
4. Adkins v El DuPont de Nemours & Co. Okl 1948 69 SCt85;
5. Equitable Life Assurance v Kit ED Pa 1938 22 F Supp 1022;
6. Western Union v Comm Pa 1961 368 US 71.

INVOLVED CONSTITUTIONAL PROVISIONS, STATUTES

FIFTH AMENDMENT Not be deprived of life liberty or property without due process of law; Must not be twice put in jeopardy of life or limb. FIRST AMENDMENT Congress shall make no law abridgint the freedom of speech, or the right to petition the government for redress of

grievances.

ARTICLE IV SECTION 1 Full faith and credit shall be given in each state to public acts records, and juricial proceedings of every other state.

AMENDMENT XIV Nor sahll any state deprive any person of life liberty or preoperty without due process of law nor deny to any person its jurisdiction of equal protection of the laws.

STATEMENT OF THE CASE

This action basically presents herein the denial ofhearing partially on the basis of service with Saudi Arabia and US Government in Saudi Arabia, during which judgments were entered against the Appellant within knowlege and information of the Court and the attorney of Appellant who after entering into unauthorized stipulations to care for ranches of the Respondent, could not enter the trial even though paid and sought to withdraw as attorney of record while Appellant not notified over two weeks away by mail. Further herein appeal denies that there are defects in pleadings under Rules 55,59,60 and that statute of limitations in such requests is not violated in that errors have no statute limitations and that prior rulings ever two years for defect in Counsel as to physical and mental attributes have been sustained, that statute has not run. Further the appeal is from frivolous when said action was paid for and not noted by the clerk of said Arizona Court. Affidavits of prejudice of Judges herein and in foreign jurisdiction against Appellant as per Article 3 & 4 of US Constitution. No hearing has been had over three years from filing and the band of co-conspirators continue to violate Appellant's Civil Rights. Further herein are violations of consolidation and other excess of jurisdiction and abuse of discretion.

STATEMENT OF REASONS QUESTIONS ARE SUBSTANTIAL

The rights of Appellant have been violated by the states, by the United States, and officers of the courts acting conspiratorially in league with the Defendants/Appellees. By right rights under 50 USC to service "with forces of any nation with which United States may be allied in the prosecution of any was areentitled to relief and benefits afforded by sections 501-511 inclusive", as in Sec 572 and 511. The conflict wit

prior rulings as to statute of limitations under Rule 60 and denial of relief thereunder as well as Rules 55 and 59 without leave to amend confirm denial of jurisdiction for abuse thereof, discrimnatory venue and act ons by judges at less than arm's length from co-conspirators including the Appellees. Further there are violations and denials of statutory rights under the sections concening interpleader, civil rights, notification, due process, open hearing, fair trial, that shock t e sense of justice and are part of prior attempts by co-conspirators. Involved are frauds with use of mails pursuant to 18 USC 1341 and violations antiturst, in erstate trade, securities laws. Sanctions have been had and continued against Appellant for unauthroized stipulations and mutlple actions on same liabilities to which any liability denied; including denial of injunctive relief pursuant to interpleader statutes and the abuses of trial court have lost to it jurisdiction and process therein based on diversity fraudulent as no diversity of some parties. Acts herein are repeatedly done agsinst Appellant and contique to be done including the dissolution of marriage thereby. The acts alleged will impair the rights of Appellant litigant to prevent prejudice to his divil rights or of those similarly situated.

For all these reasons this case should be reviewed on merits.

Dated: May 8, 1981

LYLE H. PRENZLER, M.D. PRO SE
715 E Chapman Avenue
Orange California 92666
714 639 1701

VERIFICATION

I declare under penalty perjuty that I am the Appellant and believe the hereinahove to be truthful, to my knowlege, belief and contention.

Dated May 8 1981

LYLE H. PRENZLER

LYLE H. PRENZLER
715 East Chapman Avenue
Orange CA 92866
714 639 1701

RECEIVED
RICHARD H. DEANE
CLERK US COURT OF APPEALS
MAR 24 1981
FILED MAR 24 1981
DOCKETED MAR 24 1981
DATE INITIAL

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CONRAD J. KLEINMAN, ET AL., Plaintiff/Counterdefendant, Appellees, vs LYLE H. PRENZLER, Defendant, Counterclaimant/A Appellant,	No. 80-5884 D.C. 78-57 PHX ACM NOTICE OF APPEALS
LYLE H. PRENZLER, Third Party Plaintiff, vs. FRED M. KAMATH, ET AL., Third Party Defendants.	

Lyle H. Prenzler, appeals the Order of March 9, 1981 in the above cause for denial of injunctive relief, extrinsic and intrinsic fraud and denial of redress and rights under 15-77, 15-78, 42-1980, 1983, 198 and 18 USC 471 et al., and combined with denial of statutory rights 28 U.S.C. 1359 and 18 USC 1341; and this Case involves mail fraud and other rights as to criminal acts; to U.S. Supreme Court.

Dated: March 19 1981
Copies Conrad J. Kleinman
Bartori Byers

LYLE H. PRENZLER Pro Se

Best Copy Available

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 9 1981

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

CONRAD J. KLEINMAN and LUCILE L. KLEINMAN, his wife,

Plaintiffs/Counterdefendants/Appellees,

vs.

LYLE H. PRENZLER, a married man dealing with his sole and separate property,

Defendant/Counterclaimant/Appellant.

No.80-5884

D.C.#76-57 M
ARIZONA (PHOENIX)

LYLE H. PRENZLER,

Third Party Plaintiff,

vs.

FRED W. KAMRATH, et al.,

Third Party Defendants.

ORDER

Before: WALLACE and FLETCHER, Circuit Judges

Upon due consideration, this appeal is dismissed for lack of jurisdiction. The district court's order denying appellant leave to proceed on appeal in forma pauperis is not itself an appealable order. Appellant's pending motions in this matter are denied as moot. No petitions for reconsideration of this order will be considered by the court.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

(83)

DATE September 10, 1979

CONRAD J. KLEINMAN, et ux.,

PLAINTIFF,

vs.

LYLE H. PRENZLER,

DEFENDANT.

No. CIV 76-57) PHX - CAM
76-148)
(Consolidated)

ORDER

FILED

SEP 14 1979

CLERK, U.S. DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
BY DEPUTY CLERK

This Court, having received and considered intervenor, defendant and third party plaintiff Lyle Prenzler's motion for leave to proceed in forma pauperis, filed March 6, 1979, pursuant to 28 U.S.C. § 1915, and the related affidavit and financial statement filed in support of said motion, and Mr. Prenzler's request to set for trial and request for appointment of counsel, both filed July 16, 1979, finds that Mr. Prenzler's financial affidavit reveals that he has adequate funds to proceed with this action at this time; that this Court is without jurisdiction to appoint counsel in this matter, and that the Court is without jurisdiction to set the matter for trial since the case is currently on appeal, notice of appeal having been filed on May 14, 1979, and again on August 9, 1979.

Therefore,

IT IS ORDERED that the motions are denied for the reasons stated above.

RECEIVED
RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS
OCT 25 1979

FILED _____ INITIAL
DOCKETED _____ DATE

C. A. Muecke
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

FILED
NOV 12 1980
CLERK, U.S. DISTRICT COURT
DISTRICT OF ARIZONA
BY DEPUTY CLERK

134

DATE November 10, 1980

LYLE H. PRENZLER,

PLAINTIFF,

vs.

CONRAD J. KLEINMAN, et ux.,

DEFENDANT.

No. CIV 76-57 PHX CAM
CIV 76-148 PHX CAM

ORDER

This Court, having received and considered Plaintiff's Notice of Appeal of this Court's Order of October 20, 1980, and Petition to Proceed in Forma Pauperis, filed November 3, 1980, finds and concludes that said appeal is frivolous, and therefore, that leave to appeal in forma pauperis is not warranted. Rule 24, Federal Rules of Appellate Procedure. As a separate ground, the Court further finds and concludes that Plaintiff has failed to file an affidavit that conforms with the requirements of Rule 24, Federal Rules of Appellate Procedure, in that he has not filed an affidavit showing, in the detail prescribed by Form 4 of the Appendix of Forms, his inability to pay fees and costs or to give security therefor.

In accordance with the above,

IT IS ORDERED that Plaintiff's Petition to Proceed in Forma Pauperis is denied.

cc: Allen, McClennen & Fels
Lewis & Roca
Bonn & Anderson
Lyle H. Prenzler
Martori, Meyer, Hendricks & Victor
Richard Q. Nye

C. A. Muecke
Chief United States District Judge

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W. J. FIN
U.S. DIST
DIS
BY
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

CONRAD J. KLEINMAN and LUCILE L. KLEINMAN, his wife,

Plaintiffs,

vs.

LYLE H. PRENZLER, a married man, dealing with a sole and separate property,

Defendants.

No. CIV 76-57 PHX CAM

LYLE H. PRENZLER,

Plaintiff,

vs.

CONRAD J. KLEINMAN and LUCILE L. KLEINMAN, husband and wife, and STEWART TITLE & TRUST OF PHOENIX, INC., a corporation,

Defendants.

No. CIV 76-148 PHX CAM

ORDER

This Court, having received and considered Defendant Prenzler's Motion to Set Aside Default and Motion to Stay, filed July 22, 1980, and Stewart Title & Trust's response thereto, and Defendant Prenzler's Motion to Amend Judgment, filed July 14, 1980, and Stewart Title & Trust's Response thereto, makes the following findings and conclusions.

1. With respect to Defendant's Motion to Set Aside Default and Motion to Stay, this Court finds and

concludes that (a) Defendant's affidavit does not establish that Defendant was in "military service" within the definition of 50 U.S.C. § 511, which sets forth a restrictive definition of that term, and therefore, that Defendant has failed to carry his burden of demonstrating the applicability of the Soldiers' and Sailors' Civil Relief Act; (b) that Defendant has failed to that the facts of this case entitle him to relief under Rule 55(c), Federal Rules of Civil Procedure, or that he is entitled to relief under Rules 60(b)(4) or (6), Federal Rules of Civil Procedure; (c) that Defendant's motion was not brought within a "reasonable time" within the meaning of Rule 60(b).

2. With respect to Defendant's Motion to Amend, this Court finds and concludes that (a) the motion is not timely filed under Rule 59(e), Federal Rules of Civil Procedure.

3. Oral argument is not warranted.

Therefore,

IT IS ORDERED that Defendant's Motion to Set Aside Default and Motion to Stay and Defendant's Motion to Amend are denied.

IT IS FURTHER ORDERED that oral argument, presently scheduled for October 20, 1980, is hereby vacated.

DATED this 17 day of October, 1980.

C. A. Muecke, Chief Judge

CIV 76-148 PHX-CAM

DATE	NR	PROCEEDINGS
Feb 26	1	Petition for Removal and exhibits.
Feb 26	2	Notice of Posting Removal Bond.
Feb 26	3	Certificate of Filing Notice of Removal.
Mar 19	4	Petition for Exoneration of Removal Bond.
Mar 19	5	Order for exonerating Removal Bond, in sum of $500. to Deft Attorneys.
Mar 19	-	Disburse from Registry Fund Ck#5,106 in sum of $500. to Born and Anderson. Refund of Deft's Bond on Removal. Ord. dtd 3/19/76.
Mar 19	-	cy of Order to Allen et al, Born & Anderson and Lewis & Roca.
Dec 28	6	Order that CIV 76-57 and 76-148 are consolidated for all further proceedings. Counsel for Prenzler has filed an unnoticed motion for summary judgment. This motion is set for hearing on Jan 31, 77. The Pretrial Conference heretofore scheduled in CIV 76-57 for Jan 10, 77 is vacated and will be rescheduled after determination of motion for summary judgment if appropriate.
Dec 28	-	Cy to Allen McClennan, Born and Anderson & Lewis & Roca.
1977		
Jan 4	—	Minute Entry: Order that this matter be transferred to the Honorable Wm. P. Copple for all further proceedings.
Jan 4	-	cy to Allen McClennan & Pals, Born & Anderson, and Lewis & Roca.
Jan 12	7	Deft's Reply to Pltf's Response to Deft's Motion for summary judgment (76-57).
Jan 31	—	Minute Entry: Daft's motion for summary judgment (76-57). Jeff Born pres for pltf, Henry G. Watkins pres for daft. Order motion Denied.
Feb 15	8	Order that a pretrial conference will be held herein at 4:00 P.M. on May 9, 77, in Chambers. Not later than May 2, 77 counsel will have completed all discovery including filing with the Court a stipulated form of pretrial order.
Feb 16	-	cy to Allen et al, Born & Anderson and Lewis & Roca.
May 2	9	Deft Prenzler's Motion to continue 42(C) compliance.
May 4	10	Pltf's notice of compliance with Rule 42.
May 9	11	Order that the pretrial conference set for May 9, 77 is vacated and reset for 3:30 P.M. on Jul 18, 77. Not later than Jul 11, 77 counsel will have completed all discovery including filing with the Court a stipulated form of pretrial order.
May 9	-	cy to Allen et al, Born & Anderson and Lewis & Roca.
Jun 22	-	Pretrial Order.
Jul 18	22	MINO OF PRETRIAL CONFERENCE AND ORDER: Settlement was discussed with negative results. The pretrial order for these consolidated cases lodged in CIV 76-148 is approved, supersedes the pleadings in both cases and will control the course of proceedings in both cases. Not later than one week prior to trial counsel will meet with the Clerk and mark all exhibits either for identification only or directly into evidence. Not later than one week prior to trial counsel will exhange and file with the court trial briefs on the issues of law as noted in the pretrial order and will exchange and lodge with the Court detailed proposed findings of fact and conclusions of law. Prior to trial counsel will ensure that all depositions take herein have been filed with the Clerk. Counsel may have 90 days from the date hereof for the taking of additional deposition testimony. The matter is set for trial before the Court sitting without a jury commencing at 9:30 A.M. on Dec 7, 77.
Jul 18	13	Pretrial Order.
Nov 21	14	Order that the Trial of this case set for Dec 7, 77, is vacated to be reset by the Court. The consolidated cases are hereby assigned to Hon. C. A. Muecke for further proceedings.
Nov 21	-	cy to Born & Anderson, Kanne & Bickart and Judge Muecke.
Nov 21	15	Deft Prenzler's motion for leave to file third-party complaint.
Nov 21	16	Deft Prenzler's Motion to continue trial.
Dec 2	17	Deft's notice of Hearing on (15) on Dec 19, 77, at 10:00 A.M.
Dec 14	18	Pltf's response to daft's motion for leave to file third-party complaint & Memo.

cont'd

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 76-148
CONRAD J. KLEINMAN, etal	LYLE H. PRENZLER, etal	PAGE 2 OF ___ PAGES

DATE 1977	NR.	PROCEEDINGS
Dec 19	—	Minute Entry: Deft Prenzler's motion for leave to file Third-Party complaint on for hearing. Allan Bickart pres for pltf; John Anderson pres for deft. Order that motion (15) be continued to Jan 16, 78, at 10:00 A.M.
1978		
Jan 16	—	Minute Entry: Pltf's motion for leave to file third-party complaint. Jeff Bonn pres for pltf; Allan Bickart ill - parties stipulate to a continuance of Motion (15) to Jan 23, 78, at 10:00 A.M.
Jan 16	-	cy to Allen et al, Bonn & Anderson, Lewis & Roca and Kanne & Bickart.
Jan 23	—	Minute Entry: Deft Prenzler's motion for leave to file third-party complaint. No appearances. On stipulation of counsel Order this matter be continued to Jan 30, 78, at 10:00 A.M.
Jan 23	-	cy to Allen et al, Bonn & Anderson, Lewis & Roca and Kanne & Bickart.
Jan 30	—	Minute Entry: Deft Prenzler's motion for leave to file third-party complaint on for hearing. Jeffrey Bond pres for pltf; Allan Bickart pres for deft. Order that motion be continued to Feb 6, 78, at 10:00 A.M.
Feb 6	—	Minute Entry: Deft Prenzler's motion for leave to file third-party complaint on for hearing. Donald E. Anderson pres for pltf; Allan Bickart pres for deft. Order motion Granted.
Feb 22	19	Order that the parties comply with Local Rule 42(C) not later than May 19, 78.
Feb 22	-	cy to Allen et al, Bonn & Anderson, Lewis & Roca and Kanne & Bickart.
Mar 30	20	Pltf's Motion for Contempt and Sanctions, Memo & Notice of Hearing on Apr 24, 78 at 10:00 A.M.
Apr 21	21	Third Party Complaint.
Apr 25	22	Stipulation and Motion and Order that the Hearing upon matters of contempt set for Apr 24, 78 is hereby vacated and the matter is quashed.
Apr 25	-	cy to Allen et al, Bonn & Anderson, Lewis & Roca and Kanne & Bickart.
May 9	23	Marshal's Return of service on summons & 3rd-party complaint upon Jane Doe Kamrath on 5/5/78.
May 19	24	Stipulation requesting that this Court extend its order for 90 days from the date of service of the Third Party Complaint over the Third Party Deft Fred Kamrath dba Yuma Realty Co. so that the said Third Party Deft may file a proposed Pre-Trial Order in response to the Pretrial Order presently existing and approved between Conrad Kleinman and Lyle H. Prenzler.
May 22	25	Order that counsel for deft Prenzler shall notify this Court immediately upon obtaining service over the Third Party Deft Fred Kamrath, and shall provide this Court at such time with a proposed form of Order for compliance with Rule 42(C); that this Court's Order of compliance with Rule 42(C) for May 19, 78, is hereby vacated until further order of the Court.
May 22	-	cy to Allen et al, Bonn & Anderson, Lewis & Roca and Kanne & Bickart.
May 23	26	Marshal's Return of service on Fred W. Kamrath and "Jane Doe" Kamrath dba Yuma Realty Co. on 5/15/78.
May 24	27	ANSWER of Third-Party Defts to Third Party Complaint.
May 25	28	Third-Party Defts' Demand for Trial by Jury.
Jun 12	29	Pltfs' Motion for Contempt and Sanctions, Memo, Exhibits and Notice of Hearing on July 10, 1978, at 10:00 A.M.
Jun 13	30	Motion on behalf of 3rd-party Deft Kamrath for Establishment of a Schedule for Completion of Discovery and for Compliance with Local Rule 42 & Notice of Hearing on Jul 10, 78, at 10:00 A.M.
Jun 16	31	Pltfs' Response to Motion of Third-Party Deft Kamrath.

cont'd

DC-111A REV. 11/79

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 76-148
		PAGE 3 OF ___ PAGES

DATE 1978	NR.	PROCEEDINGS
Jun 21	32	Third Party Deft Kamrath's Reply Memo in Support of Motion for Establishment of a Schedule for completion of Discovery and for Compliance with Local Rule 42.
Jun 21	33	Third-Party Deft Kamrath's First Set of Interrogatories and Request for Production of Documents.
Jun 21	34	Third Party Deft Kamrath's First Set of Interrogatories and Request for Production of Documents.
Jun 20	35	Pltfs' Supplemental Exhibit to Pltfs' Motion for Contempt and Sanctions.
Jul 7	36	Supplemental Exhibit to Pltf's Motion for Contempt & Sanctions.
Jul 7	37	Lyle H. Prenzler's Motion to Set Aside Order Motion for Change of Venue for convenience of witnesses and in Interest of Justice, Affidavit of Lyle H. Prenzler, Affidavit of Service, and Notice of Hearing on Jul 24, 78, at 10:00 A.M.
Jul 10	38	Pltf's Response to Motion to Set Aside Order & Motion for Change of Venue & Memo.
Jul 10	—	Minute Entry: Pltfs' motion for contempt & sanctions (29) and Third-Party Deft Kamrath's motion for establishment of schedule for completion of a schedule for completion of discovery and for compliance with Local Rule 42 on for hearing. Jeffrey Bonn pres for pltf Kleinman; Allen Bickart pres for deft Prenzler, Wm. Maledon pres for 3rd party deft Kamrath. Order that deft Prenzler pay the full amount of $1934.75 not later than Jul 25, 78, or counterclaim and answer will be stricken and no further pleadings will be entertained by this Court since he will not have standing in this Court. Motion (30) is Granted and an extension for compliance with Local Rule 42 is Granted until Nov 1, 78.
Jul 10	-	cy sent to Allen et al, Lyle H. Prenzler, Bonn & Anderson, Lewis & Roca and to Kanne & Backart.
Jul 21	—	Minute Entry: Order that the Hearing on (37) is hereby vacated.
Jul 21	-	cy to Allen et al, Lewis & Roca, Bonn & Anderson, Kanne & Bickart and Lyle H. Prenzler.
Jul 21	--	Lodge Notice of Appeal by deft Prenzler.
Aug 16	39	Third Party Defts' Motion to Dismiss Third Party Complaint.
Aug 16	40	Third Party Defts' Notice of Hearing for Sept 11, 78 At 10:00 A.M.
Sep 11	—	Minute Entry: Third-Party Defts' Motion to Dismiss third-party complaint on for hearing. Jeff Bonn, Allen Bickart and Wm. Maledon pres. Order that this matter be continued to Sep 18, 78, at 10:00 A.M.
Sep 18	—	Minute Entry: Third-Party defts' motion to dismiss third party complaint. No appearances. Order matter be continued to Oct 2, 78, at 10:00 A.M.
Sep 18	-	cy to Allen et al, Lewis & Roca, Bonn & Anderson, & Kanne & Bickart, & Lyle H. Prenzler.
Sep 21	41	Pltf Conrad Kleinman's Motion for Order of Dismissal of Deft's Answer and Counter-Claim, Memo, Exhibits and Notice of Hearing on Oct 16, 78, at 10:00 A.M.
Oct 10	42	Notice of Deposition of David Crist, Virgil Vance, C. V. Spencer & Carl Jacobs.
Oct 11	43	Pltf Conrad J. Kleinman's Supplemental Exhibit to Pltf's Motion for Order of Dismissal or Deft's Answer and Counterclaim.
Oct 13	44	Defts' Motion to Continue Hearing presently set for Oct 16, 78, Memo & Exhibit.
Oct 16	45	Order that Deft Prenzler shall pay to Pltf Kleinman amount of $2,630.15 not later than Oct 23, 78, or Counterclaim and Answer will be stricken and no further pleadings will be entertained by this Court since the Deft will not have standing in this Court; that the Hearing on (39) & (41) be continued for hearing on Oct 23, 78, at 10:00 A.M.
Oct 16	-	cy to Allen et al, Lewis & Roca, Bonn & Anderson, Kanne & Bickart and Lyle H. Prenzler.

cont'd

DC-111A REV 11/75

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 76-148
CONRAD J. KLEINMAN, etal	LYLE H. PRENZLER, etal	PAGE 4 OF ___ PAGES

DATE 1978	NR.	PROCEEDINGS
Oct 16	—	Minute Entry: Third-Party Defts' motion to dismiss third-party complaint (39); and Pltf's motion for order of dismissal of Deft's answer & counterclaim (41) on for hearing. Jeffrey Born pres for Pltf; no other appearances. Order that hearing on (39) & (41) be continued to Oct 23, 78, at 10:00 A.M.
Oct 16	-	cy to Allen et al, Lewis & Roca, Born & Anderson, Kanne & Bickart and Lyle H. Prenzler.
Oct 18	46	Order that the Hearing set for Oct 16, 78, is hereby continued to Oct 23, 78, at 10:00 A.M.
Oct 18	-	cy to Allen et al, Lewis & Roca, Born & Anderson, Kanne & Bickart and Lyly H. Prenzler.
Oct 23	—	Minute Entry: Third-Party Defts' motion to dismiss third-party complaint (39); and Pltf Conrad Kleinman's motion for order of dismissal of deft's answer & counterclaim (41). Jeffrey Born appears prior to court opening and states that a stipulation and order re Motion #41 will be submitted for the Court to sign & that it is his understanding that motion #(39) is to be submitted without oral argument.
Nov 7	47	Stipulation re reimbursement by Prenzler to Kleinman for one-half of continuing grove care costs, etc.
Nov 8	48	Order that Kleinman shall receive payment from Prenzler within 14 days from the date of submission of grove care costs to Prenzler; that should Kleinman not receive payment from Prenzler within 14 days which shall be computed by including the date of mailing, but not including the 14th day if such day falls on a Sunday or legal holiday during which there is not mail delivery then and in that event the Deft Prenzler's Answer & Counterclaim shall be dismissed by suggestion of late payment from pltf to the Court and the Deft shall have no further standing in this action and Judgment may be entered against him subject only to determination of the amount of his liability.
Nov 8	-	cy to Allen et al, Lewis & Roca, Born & Anderson, Kanne & Bickart and Lyle H. Prenzler.
Dec 27 1979	49	Pltf Kleinman's Petition for Judgment Pursuant to Stipulation.
Jan 2	50	Letter from Kanne & Bickart re client's share of the grove care costs, with attached Check in amount of $373.31 payable to Conrad Kleinman & his attorney. (Letter and Check placed in vault).
Jan 3	51	Third-Party Deft Kamrath's Motion to Dismiss Third-Party Complaint for Failure to Prosecute and to Comply with Orders of the Court and Notice of Hearing on Jan 29, 79, at 10:00 A.M.
Jan 3	52	Pltf Kleinman's Reply to Deft Prenzler's Response to Petition for Judgment.
Jan 3	53	Pltf's Notice of Hearing on (49) on Jan 29, 79, at 10:00 A.M.
Jan 3	54	Defts' Prenzler Response to Pltf Kleinman's Petition for Judgment.
Jan 10	55	Copy of order from 9th CCA that petition for prohibition filed on Dec 18, 1978 is DENIED (certified copy filed in Civ 76-57ICA78-35
Jan 16	—	Lodge Pretrial Order pursuant to Local Rule 42(C) (as to third-party claims only)
Jan 29	—	Third-Party Deft Kamrath's motion to dismiss third-party complaint (51); and Pltf's Kleinman's petition for judgment pursuant to stipulation (49) on for hearin Jeffrey Born pres for pltf; Allen Bickart pres for deft Prenzler; Wm. Maledon pres for 3rd party deft Kamrath. Order that Third Party Deft Kamrath's motion (51) to dismiss third-party complaint is Denied; that (49) pltf's Kleinman's petition for judgment pursuant to stipulation is Denied; funds are to be released to the pltf that pltf now has coming from the deft Prenzler; that third-party deft is to submit a bill for having to bring this motion and pltf will have to pay these costs; that parties comply with rule 42 by Feb 26, 79.

Cont'd

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 76-148
		PAGE 5 OF ___ PAGES

DATE 1979	NR.	PROCEEDINGS
Feb 26	56	Motion by Allen B. Bickart to withdraw and Memo.
Feb 26	57	Deft Prenzler's Motion to Extend Time for Compliance with Rule 42(C), Memo & Notice of Hearing on Mar 26, 79, at 10:00 A.M.
Mar 1	58	Third Party Defts Kamrath's Motion to Dismiss Third Party Complaint and Notice of Hearing on Mar 26, 79, at 10:00 A.M.
Mar 6	59	Lyle Prenzler's "Motion Early Hearing Motion for Relief from Orders Rule 60 Response to Motion to Withdraw, Response to Motion to extend time for compliance with Rule 42(C) by Intervenor Rule 24 (a) Injunctive Relief and Stat Rule 65 (a,b)."
Mar 6	60	Lyle Prenzler's Motion for Leave to Proceed in forma pauperis by Intervenor and Affidavit.
Mar 7	61	Lyle H. Prenzler's Request for Dismissal of 3rd Party Deft.
Mar 26	—	Minute Entry: Allen B. Bickart's motion to withdraw (56); Deft Prenzler's motion to extend time for compliance with Rule 42(C) (57); and Third-Party Defts Kamrath motion to dismiss third-party complaint (58) on for hearing. Jeffrey D. Bonn pres for pltf; Allen Bickart pres for deft. Prenzler, Wm. Maladon pres for 3rd party deft Kamrath. Order that Motion (56) is Granted; that Motion (57) is Granted an additional 30 days; that Motion (58) will be Granted 30 days from today (3/26-79) on 4/27/79.
Mar 29	62	Order that the motion to withdraw of Allen B. Bickart is Granted.
Mar 29	-	cy to Allen et al, Lewis & Roca, Bonn and Anderson, Kanne & Bickart, Lyle H. Prenzler and Martori et al.
Apr 5	63	Lyle H. Prenzler's Declaration in Support of Request to Proceed in forma pauperis
Apr 10	64	Lyle H. Prenzler's Petition for Dismissal, Memo & Affidavit.
Apr 12	65	Lyle H. Prenzler's Application for Certificate Showing Appealable Rules of Appeals 1292(b).
May 8	66	JUDGMENT and Order of Dismissal as to Third-Party Complaint for failure to prosecute and for failure to comply with the Orders of this Court.
May 8	-	cy to Allen et al, Lewis & Roca, Bonn & Anderson, Kanne & Bickart, Lyly H. Prenzler and Martori et al.
May 14	67	Notice of Appeal by Prenzler of hearing and order of 26th Mar 79. ($5.00 paid)
May 14	--	cy of #67 to 9CCA, Court Reporter, Prenzler, Allen et al, Lewis & Roca Bonn & Anderson, Kanne & Bickart and Martori et al.
May 17	68	True cy from Supreme Court (78-6181) for Writ of Certiorari to the US Court of Appeals for the Ninth Circuit, No. 78-3652, is denied.
May 25	69	Petition and order setting this matter for Preliminary Pretrial Conference on Jun 4, 79, at 3:30 P.M.
May 25	-	cy to Allen McClennen & Fals, Lewis & Roca, Bonn & Anderson, Kanne & Bickart, Lyle H. Prenzler and Martori et al.
May 30	70	Pltf and Deft Lyle H. Prenzler and Third Party Pltf Lyle H. Prenzler's Motion to Alter Judgment.
Jun 4	71	Lyle H. Prenzler's Motion for a New Trial; Motion to Alter or Amend Judgment
Jun 4	—	Minute Entry: Preliminary Pretrial Conference Held.
Jun 6	72	Deft Prenzler's Request, filed May 30 1979, for Stay Pending Appeal, Addition to Designation Record of Appeal.
Jun 6	73	Deft Prenzler's Petition, filed May 30 1979, for Exemption from Subjection to Costs of Appeal Request Appointment Counsel, Request Extension Time, Request Court Reporter's Transcript and Arrangements to Pay for.
Jun 6	74	Deft PRenzler's Notice of Mailing, filed May 30 1979.

(continued)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 76-148
CONRAD J. KLEINMAN, et al	LYLE H. PRENZLER, et al	PAGE 6 OF ___ PAGES

DATE 1979	NR.	PROCEEDINGS
Jun 11	75	Motion for Relief from Judgment or Order, Vacating Judgment Request to Enter Appearance 28 USC 1655 Federal Rules Civil Procedure Rule 60(b) (1,2,3,4,5,6) Appeal Pending
Jul 16	76	JUDGMENT for Pltf in sum of $245,165.03 and Order that Pltfs recover their costs incurred in amount of $551.66.
Jul 16	-	cy to Allen et al, Lewis & Roca, Bonn and Anderson, Karne & Bickart, Lyle Karne & Bickart, and Martori et al.
Jul 16	77	Statement of costs by Pltf in amount of $ 1.66.
Aug 7	78	Lyle H. Prenzler's Motion for Relief from Judgment.
Aug 7	79	Lyle H. Prenzler's Counterclaim for Damages Due on Contract.
Aug 9	80	Lyle H. Prenzler Designation of Certified Record of Appeal to be Submitted with Appellant's Opening Brief.
Aug 9	81	Lyle H. Prenzler Designation of Reporter's Transcript by Appellant.
Aug 9	82	Lyle H. Prenzler/Deft Notice of Appeal from judgment entered 7/16/79.
Aug 14	-	Copy of Notice of Appeal sent to 9th CCA. (docket fees not paid).
Sep 11	83	Order that Intervenor, Daft and Third-Party Pltf Lyle Prenzler's motion for Leave to proceed in forma pauperis is Denied.
Sep 11	-	cy to Allen et al, Lewis & Roca, Bonn and Anderson, Karne & Bickart, Lyle H. Prenzler and Martori et al.
Oct 5	84	Lyle H. Prenzler's Motion to Set Aside Default Judgment.
Oct 23	85	Certificate of Failure to Pay Docket Fees.
Nov 21	86	Def/Appellant's Certificate Re Transcript
Nov 26	87	Plt/Appellee designation of additional parts to be included in reporter's transcript.
Nov 26	-	Copy to: Crt Reporter.
Dec 21	88	Copy of order from 9th CCA (CA 79-3504)(a) Motion to dismiss is denied; (b) appellant's motionto file amended N/A Granted and appellant may file proposed N/A within 14 days of this order; (c) appellant granted extension of time of 21 days in which to have certificate of record filed.
Dec 21	89	Copy of order from 9th CCA (CA 79-3692) docket fee for this appeal is waived and appeal is dismissed for lack of jurisdiction. Order in issue not an appealable order.
Dec 21	90	Copy of order from 9th CCA (CA 79-7556) docket fee for this petition is hereby waived and petition for writ of mandamus is denied.
Dec 21	-	Docket fees paid for N/A filed on Aug 9, 1979 ($70.00) law firm of Foley, Clark & Keiper on Nov 14, 1979.
Dec 28	91	Deft Prenzler's Amended Notice of Appeal from Judgment entered July 16, 1979, and judgment entered May 8, 1979. (79-3504)
Dec 28 1980	-	Copy to: 9th CCA, Crt Reporter, Bonn & Anderson, Lewis & Roca, Martori, etal.
Jan 3	92	Appellant's/Deft designation of reporter's transcript. Copy to: Crt Reporter
Jan 14	93	Certified copy of judgment from 9th CCA that the appeal (CA 79-3692) is dismissed.
Feb 8	94	Affidavit on Garnishment by Conrad J. Kleinman, et ux.
Feb 13	95	Writ and Summons of Garnishment & Affidavit of service upon Stewart Title & Trust Co. of Phoenix on Feb 8, 80.

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO 76-148
Conrad J. Kleinman, etal	LYLE H. PRENZLER, etal	PAGE 7 OF ___ PAGES

DATE 1980	NR.	PROCEEDINGS
Feb 19	96	ANSWER of Garnishee-Deft Stewart Title to Writ of Garnishment.
Mar 5	97	Reporter's transcript of proceedings had before the Hon. C. A. Muecke, Jan 31, March 28 and June 5, 1979 (Motions) orig & one copy.
Mar 31	98	Application for an Award of Attorneys' Fees (Defts. Stewart Title)
Mar 31	99	Notice of Hearing Application for Award of Atty Fees on Apr 29, 1980 at 10:00 a.m.
Mar 31	100	Deft Stewart Title & Trust's Motion to Deposit Money w/The Clerk of the Court Pursuant to Rule 67
Mar 31	101	Notice of Hearing Motion to Deposit Money on April 29, 1980 at 10:00 a.m.
Apr 10	102	Pltf's Kleinman's Response To Motion To Deposit Money with the Court by Stewart Title & Trust and Application of Stewart Title & Trust for Attorneys Fees.
Apr 14	--	M/E: ORDER that hearing on Deft Stewart Title's Application for an Award of Attys Fees set for 4/29/80 at 10:00 is vacated and matter reset for hearing on 6/2/80 at 10:00 a.m. Cy to Bonn & Anderson, Allen McClennen & Fels, Lewis & Roca, Kanne and Bickart, Lyle Prenzler and Martori Meyer, etc
Apr 17	103	Amended Notice of Hearing to April 28, 1980 at 10:00 a.m.; Motion to Deposit Money with Clerk will be heard on that date; Award of Atty's Fee will be heard June 2, 1980 at 10:00 a.m.
Apr 17	104	Stewart Title's (Deft) Reply To The Kleinmans' Response.
Apr 28	--	M/E: Deft Stewart Title & Trust's Motion to Deposit Money w/the Clerk heard. Jeffrey Bonn pres for pltf., Richard Nye pres for deft Prenzler and Patricia Norris pres for deft Stewart Title. ORDER that Deft Stewart Title pay to pltf Kleinman all monies except the uncontested atty fees which Stewart Title will retain. The balance that is at issue will be retained in an interest bearing acct to be determined & deposited at time of hearing for attys fees set for June 2, 1980 10 a.m.
Apr 28	--	Cy to Bonn & Anderson, Allen McClennen & Fels, Lewis & Roca, Kanne and Bickart, Lyle Prenzler and Martori Meyer
June 9	--	M/E Hearing re: Application for Award of Attorneys Fees. Elliott Flood pres for plntf, Patricia Norris pres for dft Stewart Title. Crt will award the sum of $2,272.47 and deny the rest, funds t/b turned over purs to crts order. (hrg held 6/2/80)
6/10/80	105	ORDER — Crt ords that Stewart Title & Trust pay over all sums held in escrow in accord w/crts prior jdgm, w/exception that Stewart Title & Trust shall be permitted to w/hold the sum of $2,272.47 for attys fees incurred. Cpys to Bonn and Anderson, Kanne & Bickart, Allen McClennen & Fels, Lewis and Roca, Lyle H. Prenzler, Martori Meyer Hendricks & Victor.
6/19/80	106	Notice of Filing Supplemental Affidavit.
6/25/80	107	JUDGMENT (re: attorneys fees): Crt ord Conrad & Lucile Kleinman and Lyle Prenzler jointly liab for attys fees incurred by Stewart Title & Trust thru July16, 1979 $2,272.47. 2) dft Prenzler liable for atty fees incurred by Stewart Title & Trust after 7/16/79, $3,511.06 w/interest at rate of 10% per annum fr dte as prov. by law. 3) Stewart Title & Trust shall pay over all sums held in escrow in accord w/jdgm of 7/16/79, w/exception of the $2,272.47. Cpys to Allen McClennen & Fels Lewis & Roca, Bonn & Anderson, Kanne & Bickart, Lyle H. Prenzler, Martori Meyer Hendricks & Victor.
6/26/80	108	Petition to Reinstate suit, and Motion to Intervene. Dfts motion.
7/10/80	109	Satisf of jdgm. Satis of that portion of jdgm req Stewart Title to pay over all sums held in escrow in connectn w/actns except $2,272.47 t/b pd to Stewart Title.

continued

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	Civ 76-148 DOCKET NO.
Conrad J. Kleinman, etal	Lyle H. Prenzler, etal	PAGE 8 OF ___ PAGES

DATE	NR.	PROCEEDINGS
1980		
7/15/80	110	Deft Prenzler's Notice of Appeal from judgment entered June 25, 1980. (Fees paid).
7/15/80	-	Copy to: 9th CCA, Allen McClennen & Fels, Lewis & Roca, Bonn & Anderson, Prenzler, Martori etal., Foley etal. Crt Rptr.

DC-111A REV. (1/79)